

### **REMARKS/ARGUMENTS**

The office action mailed May 4, 2004, has been carefully reviewed, and these remarks have been prepared in response to that office action. Reconsideration and allowance of this application are respectfully requested.

Claims 1, 3-7, 10-13, 16, 17, 18, and 20-27 remain in this application. Claims 2, 8, 9, 14, 15, and 19 have been canceled without prejudice or disclaimer.

### **Allowable Subject Matter**

Applicant notes with appreciation that the office action indicated that Claims 17, 18, and 20-24 are allowable and that claims 13 and 27 would be allowable if rewritten in independent form.

### **Claim Rejections – 35 USC §§102 & 103**

Claims 1, 3, 4, 6, 10-12, 16, 25, and 26 were rejected under 35 USC 102(b) as being anticipated by Grange (U.S. Patent 1,995,059). Claims 5 and 7 were rejected under 35 USC 103(a) as being unpatentable over Grange.

### **Claim 1**

Grange, either alone or in combination with the other prior art of record, fails to establish prima facie anticipation or obviousness of claim 1 because Grange does not disclose, teach, or suggest "a weather-resistant enclosure ... wherein ... when the enclosure is closed, for each adjacent pair of lid segments of the enclosure, a lower portion of an upper lid segment of the adjacent pair of lid segments overhangs an upper portion of a lower lid segment of the adjacent pair of lid segments, thereby preventing environmental debris and precipitation from entering the enclosure where adjacent lid segments meet."

Claim 1 is directed to a weather-resistant enclosure for storing contents, the enclosure comprising: a base; an outer lid segment; at least one intermediate lid segment; and a bottom lid segment, wherein, as the enclosure is being opened, the bottom lid segment moves up into and nests within the at least one intermediate lid segment, which moves up into and nests within the outer lid segment, and wherein, as the enclosure is being closed, the bottom lid segment moves

down out of the at least one intermediate lid segment, which moves down out of the outer lid segment, such that, when the enclosure is closed, for each adjacent pair of lid segments of the enclosure, a lower portion of an upper lid segment of the adjacent pair of lid segments overhangs an upper portion of a lower lid segment of the adjacent pair of lid segments, thereby preventing environmental debris and precipitation from entering the enclosure where adjacent lid segments meet.

Grange discloses a typewriter cover including lid segments that telescope between open and closed positions. When the lid segments of the typewriter cover are in the closed position, at least some of the lid segments overlap in such a manner that the typewriter cover is not weather resistant. When the typewriter cover is closed, for at least some of the pairs of adjacent lid segments, a lower portion of an upper lid segment of an adjacent pair of lid segments is tucked under--rather than overhangs--an upper portion of a lower lid segment of the adjacent pair of lid segments. Therefore, at least some of the lid segments of the typewriter cover would not prevent precipitation from entering the enclosure by arranging the lid segments such that "for each adjacent pair of lid segments of the enclosure, a lower portion of an upper lid segment of the adjacent pair of lid segments overhangs an upper portion of a lower lid segment of the adjacent pair of lid segments," as is explicitly recited in claim 1.

For at least the foregoing reasons, Grange, either alone or in combination with the other prior art of record, fails to establish prima facie anticipation or obviousness of claim 1, which contains allowable subject matter and is in condition for allowance.

### **Claim 25**

Grange, either alone or in combination with the other prior art of record, fails to establish prima facie anticipation or obviousness of claim 25 for reasons similar to those discussed above in connection with claim 1.

Claim 25 is directed to a weather-resistant enclosure for storing contents, the enclosure comprising: a base; at least one axle; a bottom lid segment; an outer lid segment; and at least one intermediate lid segment, wherein each of the lid segments includes at least one axle bore through which the at least one axle is inserted such that a plurality of the lid segments rotate around the axle when the storage container is being opened from a closed position and when the

storage container is being closed from an open position and wherein, as the enclosure is being opened, the bottom lid segment moves up into and nests within the at least one intermediate lid segment, which moves up into and nests within the outer lid segment, and wherein, as the enclosure is being closed, the bottom lid segment moves down out of the at least one intermediate lid segment, which moves down out of the outer lid segment, such that, when the enclosure is closed, for each adjacent pair of lid segments of the enclosure, a lower portion of an upper lid segment of the adjacent pair of lid segments overhangs an upper portion of a lower lid segment of the adjacent pair of lid segments, thereby preventing environmental debris and precipitation from entering the enclosure where adjacent lid segments meet.

Grange's disclosure is discussed above in connection with claim 1. For at least the foregoing reasons, including the discussion of Grange above in connection with claim 1, Grange, either alone or in combination with the other prior art of record, fails to establish prima facie anticipation or obviousness of claim 25, which contains allowable subject matter and is in condition for allowance.

#### **Dependent Claims**

The remaining claims, claims 3-7, 10-12, 16, and 26, properly depend upon one of independent claims 1 and 25 and are, therefore, in condition for allowance for at least the reasons set forth above in connection with independent claims 1 and 25.

#### **CONCLUSION**

The Commissioner is authorized to debit or credit our Deposit Account No. 19-0733 for any fees that are required for this submission or for any overpayment that is made.

All rejections and objections having been addressed, applicant respectfully submits that this application is in condition for allowance, and respectfully requests prompt notification that this application has been allowed.

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Respectfully submitted,  
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